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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC

JUL 15 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.606(b))
Table of Allotments,)
TV Broadcast Stations)
)
(Boca Raton and Lake Worth,)
Florida))

MM Docket No. _____
RM - _____

SUPPLEMENT TO JOINT PETITION FOR RULEMAKING

Fouce Amusement Enterprises, Inc. ("Fouce"), optionee of
Hispanic Broadcasting, Inc. ("HBI") submits this supplement to
the joint petition pending before the Commission to amend the
Commission's table of allocations by exchanging non-commercial
Channel 63*, Boca Raton, Florida, with commercial Channel 67.

1. The Commission has stated that it will process applications for modification of licenses or permits to specify a new city of license in the course of rulemaking proceedings to change the table of allocations unless the station has been serving the originally licensed community for less than one year and the licensee or permittee "had received in a comparative hearing a decisionally significant preference that would not have been granted had the comparative contest been for a station at the new proposed community." Clarification Order at 7097. Although HBI has not provided service to the original community of license (Lake Worth) for one year, the grant of the construction permit to that permittee did not involve any preference based upon or related to the original community of license.

2. An examination of the Commission's files confirms that the HBI application was designated for hearing with three other applicants each of which had also specified Lake Worth, Florida, as the community of license. In re Application of Dan Mahoney, et al., 1984 F.C.C. Lexis 1900 (released Sept. 28, 1984). Thus, the proceedings resulting in a grant of the construction to HBI did not involve issues under Section 307(b) of the Communications Act.

3. Although a standard comparative issue was designated, the ultimate disposition of the proceeding and the grant of the construction permit to HBI was not based upon comparative considerations. By order of the Administrative Law Judge, the

last of the applications mutually exclusive with that of HBI was dismissed with prejudice.^{2/} The HBI application was retained in hearing status pending resolution of an air hazard issue which was subsequently resolved by summary disposition.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of July, 1993,
a copy of the foregoing SUPPLEMENT TO JOINT PETITION FOR
RULEMAKING was mailed, first-class, postage prepaid, to:

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